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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/934,642 | 08/22/2001 | Kenichi Kitatani | P/1909-153 | 8743 |

32172 7590 09/28/2004

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
41 ST FL.
NEW YORK, NY 10036-2714

EXAMINER

ANWAH, OLISA

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2645

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,642

Applicant(s)

KITATANI, KENICHI

Examiner

Olisa Anwah

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 14, 22 and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by Phillips, WIPO Publication No. 00/21265 (hereinafter Phillips).

Regarding claim 14, Phillips discloses a storage medium (see Figure 2) containing at least one program for commanding a plurality of applications in a terminal to operate at least one function of at least one application by detecting a current light status for a plurality of buttons, determining one of said applications to command and a function of said application to operate based on the

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light status, and sending one or more commands to operate said function of said application using an API specified for said application (see Figures 4-6, page 8 line 20 to page 9, line 5 and page 4).

Regarding claim 22, see pages 4 and 8.

Regarding claim 23, see pages 4 and 8.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-20 are rejected under 35 U.S.C § 103(a) as being unpatentable over Phillips in view of Kim, U.S. Patent No. 6,681,120 (hereinafter Kim).

Regarding claim 16, Phillips does not teach the API is an e-mail application. However Kim discloses this limitation (col. 3, lines 40-45). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Phillips with the API taught by Kim. This modification allows a mobile telephone

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to serve as an entertainment device as suggested by Kim and Phillips.

Regarding claim 17, Phillips does not teach the API is for a browser application in the terminal. However Kim discloses this limitation (col. 2, lines 25-30). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Phillips with the API taught by Kim. This modification allows a mobile telephone to serve as an entertainment device as suggested by Kim and Phillips.

Regarding claim 18, Phillips does not teach the API is for a camera application in the terminal. However Kim discloses this limitation (col. 4, lines 1-10). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Phillips with the API taught by Kim. This modification allows a mobile telephone to serve as an entertainment device as suggested by Kim and Phillips.

Regarding claim 19, Phillips does not teach the API is for a video streaming application in the terminal. However Kim discloses this limitation (col. 4, lines 1-10). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify Phillips with the API taught by Kim. This modification allows a mobile telephone to serve as an entertainment device as suggested by Kim and Phillips.

Regarding claim 20, Phillips does not teach the API is for a music player in the terminal. However Kim discloses this limitation (col. 2, lines 40-45). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Phillips with the API taught by Kim. This modification allows a mobile telephone to serve as an entertainment device as suggested by Kim and Phillips.

Regarding claim 21, Phillips does not teach the API is for a location service application in the terminal. However Kim discloses this limitation (col. 1, line 25). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Phillips with the API taught by Kim. This modification allows an entertainment device to include emergency features as suggested by Kim (col. 4, line 27).

5. Claim 15 is rejected under 35 U.S.C § 103(a) as being unpatentable over Phillips in view of Wagner et al, U.S. Patent No. 6,282,435 (hereinafter Wagner).

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With respect to claim 15, Phillips does not teach the API is a Java API. However Wagner discloses this limitation (col. 4, lines 15-35). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Phillips with the Java API taught by Wagner. This modification allows the GUI to be hardware independent as disclosed by Wagner (col. 4, lines 30-31).

Conclusion

6. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the

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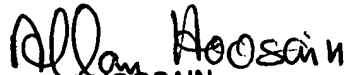
statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.
Olisa Anwah
Patent Examiner
August 25, 2004


ALLAN HOOSAIN
PRIMARY EXAMINER